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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 THERON JONES,

9 Plaintiff,

10 v.

11 REPUBLIC SERVICES, INC., et al.,

12 Defendants.
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2:11-CV-587 JCM (PAL)

14 **ORDER**

15 Presently before the court is the report and recommendation of Magistrate Judge Leen (doc.
16 #3) regarding plaintiff Theron Jones' failure to submit a complete application to proceed *in forma*
17 *pauperis*. Plaintiff was required to file any objections to the report and recommendation by October
18 13, 2011. (Doc. #3). Plaintiff did file an objection, but it was not timely. (See Doc. #5).
19 Additionally, to date, plaintiff has failed to file a complete application to proceed *in forma pauperis*.

20 On August 22, 2011, Magistrate Judge Leen ordered plaintiff either to submit a complete
21 application to proceed *in forma pauperis* or pay the \$350.00 filing fee by September 22, 2011. (Doc.
22 #2). The order stated that "[f]ailure to comply with this order will result in a recommendation to the
23 district judge for dismissal." (Doc. #2). As stated above, plaintiff has failed to file a complete
24 application, request an extension of time to file a complete application, or pay the \$350.00 filing fee.
25 Therefore, Magistrate Judge Leen recommended that this court dismiss plaintiff's complaint. (Doc.
26 #3).

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1 The court also notes that plaintiff previously filed a case arising out of the same nucleus of
2 operative facts. (*See Allen, et. al. v. Republic Silver State Disposal, Inc.*, Case No. 10-cv-00827).
3 This other case is also currently pending before the court. Any claims alleged in the instant case
4 could have, and should have, been alleged in plaintiff's previously filed case.

5 Upon review of the report and recommendation (doc. #3), and there not being any timely
6 filed objections,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that United States Magistrate
8 Judge Peggy A. Leen's recommendation (doc. #3), be, and the same hereby is, AFFIRMED in its
9 entirety.

10 IT IS THEREFORE ORDERED that the complaint be, and the same hereby is, DISMISSED
11 without prejudice.

12 DATED October 17, 2011.

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15 **UNITED STATES DISTRICT JUDGE**